


1990

UA3/8/1 Resolution on Minority Recruitment

WKU President's Office

Follow this and additional works at: https://digitalcommons.wku.edu/dlsc_ua_records

 Part of the [African American Studies Commons](#), [Communication Commons](#), [Higher Education Administration Commons](#), and the [Race and Ethnicity Commons](#)

Office of the President



Bowling Green, KY 42101
502-745-4346
FAX: 502-745-4492

August 20, 1990

MEMORANDUM

TO: Faculty, Administrative Staff, and Budget Unit Heads
FROM: Thomas C. Meredith, President
SUBJECT: Resolution on Minority Recruitment

At an administrative retreat on May 16, 1990, the necessity of improving our record of recruiting minorities, and especially African-Americans, was discussed. Agreement was reached that the statement below represents our intention as a university. This statement is now policy at Western Kentucky University and therefore must receive the full active support of all those who are employed at this institution.

WESTERN KENTUCKY UNIVERSITY
Resolution on Minority Recruitment

Be it resolved that the Administrative Council of Western Kentucky University reaffirms its commitment to minority recruitment, with a heavy emphasis on the active recruitment and hiring of African-American faculty and staff into this University community.

Be it further resolved that the appropriate Vice President, or the President when appropriate, advises each search committee formed for the purpose of recommending faculty and staff of its responsibility to fully implement the intent of this resolution by providing African-American candidates who meet stated qualifications for specific positions the opportunity to interview and receive full consideration for said positions.

TCM:cel

cc: Board of Regents

WESTERN KENTUCKY UNIVERSITY
Resolution on Minority Recruitment

Be it resolved that the Administrative Council of Western Kentucky University reaffirms its commitment to minority recruitment, with a heavy emphasis on the active recruitment and hiring of African-American faculty and staff into this University community.

Be it further resolved that the appropriate Vice President, or the President when appropriate, advise each search committee formed for the purpose of recommending faculty and staff of its responsibility to fully implement the intent of this resolution by providing African-American candidates who meet stated qualifications for specific positions the opportunity to interview and receive full consideration for said positions.



University Attorney

WESTERN KENTUCKY UNIVERSITY

BOWLING GREEN, KENTUCKY 42101

MEMORANDUM

To: Dr. Thomas C. Meredith, President

From: A. Franklin Berry, Jr., University Attorney

Date: May 22, 1990

Re: Minority Recruitment

In reviewing of the proposed resolutions regarding minority recruitment, one should examine the current status of the law in an area that numerous decisions have been rendered. This response is based on that statement.

One of the more recent cases is Covington v. Beaumont Independent School District, 714 F. Supp. 1402 (E.D.Tex. 1989). This case is a good summary of the current law in this area. The case involved White and Hispanic coaches who were reassigned so that two black coaches could be assigned their positions. The court held that the assignment was discriminatory. The court further stated that racial faculty assignments made in furtherance of the goal of providing racially integrated educational benefits to students are remedial of no prior violation and that such goals are defective and therefore discriminatory in operation. The court noted that the equal protection clause is triggered by classification or decision based on race.

In Wygant v. Jackson Board of Education, 106 S.Ct. 1842, the Supreme Court held that there must be evidence of prior discrimination by the governmental unit involved before a racial based classification would be allowed for remedial purposes. The Court further held that societal discrimination alone is insufficient to justify racial classification.

In University of California v. Bakke, 98 S.Ct. 2733, the Supreme Court held that preferring members of anyone group for no other reason than race or ethnic origin is discrimination in its own sake. The Court further stated that the Constitution forbids such action.

In City of Richmond v. J. A. Croson, 109 S.Ct. 706, the Supreme Court said that state and local subdivisions may not constitutionally utilize racial classification only to remedy prior societal discrimination. It was noted that racial classifications must be justified by compelling governmental

interest.

In Lee v. Russell County Board of Education , 563 F.2nd 1159, (5th Cir. 1977), the Court of Appeals held that after faculty desegregation has been effectuate by remedial orders based on racial ratios, the school system cannot continue to make personnel decision on the bases of such ratios.

These cases demonstrate that employment of an individual of one race cannot be made because that individual is of such race. Thus, Western must use great care in stating that desire to employ a black candidate over other candidates for a position. Western should strongly stated that it will not discriminate in its employment practices and that all search committees must follow this commitment .

I personally think that the resolutions are correct in principle. But legally, I am concerned that the resolutions are discriminatory in operation based on the cases referred above. However, this opinion could be reversed by the Council on Higher Education's action of May 21. But, I am not privy to that action except as reported in the newspaper.

Memorandum



To: Those Attending Administrative Retreat

From: Thomas C. Meredith

Date: May 21, 1990

Subject: Minority Recruitment

May I have your comments regarding the attached
by Wednesday, May 23, 1990.

Thanks.

lf

Resolution on Minority Recruitment

Be it resolved that the Administrative Council of Western Kentucky University affirms its commitment to the active recruitment and hiring of black faculty and staff into this University community.

Be it further resolved that search committees formed for the purpose of recommending faculty and staff fully comprehend the intent of this resolution and further understand the charge of providing those known black candidates who meet minimum qualifications for specific positions the opportunity to interview and receive every possible consideration for said positions.